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1 (The following was heard in open court at  
2 10:04 a.m.)

3 THE COURT: Good morning.

4 ALL: Good morning, Your Honor.

5 THE COURT: Please be seated. I called this  
6 status hearing because there are pending motions to  
7 address. At the same time, the government has an  
8 outstanding motion to consolidate a number of cases  
9 under one umbrella, that is the umbrella that would be  
10 Judge Joyner, I think, or some judge.

11 I know that Judge Joyner is our chief judge,  
12 and he is the judge that must approve such a motion.  
13 So I am not here to work on that motion, and that would  
14 be Document 10, the government's motion to consolidate.

15 I thought it would be appropriate to cite  
16 that this Court had no position, or did not oppose it,  
17 but it really does not seem to be my province, although  
18 I am confused by that, counsel, because I felt that as  
19 much as this Court has been properly assigned Mr.  
20 Bromley's indictment, that some input or position from  
21 the assigned judge was also appropriate.

22 Do you know the status of that matter, that  
23 is the government's motion?

24 MS. TAYLOR: Your Honor, I do not. We filed  
25 that motion approximately two weeks ago. When these

1 cases were originally returned, there were 37 total  
2 cases returned.

3 When the case was originally filed, there was  
4 no related case rule because this case goes back years  
5 as far as sealed indictments. During the pendency of  
6 the case, the related case rule did become effect in  
7 the District.

8 We then did not relate the cases because we  
9 didn't know who to relate them to, and they were all  
10 sealed. So we couldn't relate sealed matters. It's  
11 kind of an administrative nightmare.

12 THE COURT: I think it is.

13 MS. TAYLOR: When they were unsealed we,  
14 therefore, filed the motion to consolidate though not  
15 for trial, but for disposition before one court. We  
16 were informed by the clerks that we had to file that  
17 motion with Judge Joyner, and Judge Joyner would then  
18 speak to the ten other judges, if he felt appropriate,  
19 who had cases in the 37.

20 Now, 14 of them are misdemeanors and may be  
21 tried by consent before magistrate judges, though they  
22 are still also part of the pending consolidation motion  
23 because they, too, had to originally, according to the  
24 clerk's office, be assigned to a district court judge.  
25 So there are a myriad of administrative issues that are

1 all pending under the province of that motion.

2 So we apologize, but we did not consult any  
3 court as we were instructed because there were so many  
4 different judges, to simply file the motion with the  
5 chief judge and then he would handle it as he believed  
6 appropriate, and that is the advice that we followed.

7 So, as I spoke to Mr. Cameron last week and  
8 this morning, there is also an issue because the  
9 motions some of these attorneys filed are not coming to  
10 myself and Ms. Lunkenheimer.

11 So, we are working with the clerks because  
12 we're both noticed, but we don't get it. Quite  
13 frankly, your clerk informed me there were pretrial  
14 motions, and when I looked at them, we are trying to  
15 work that out.

16 I believe that Mr. Cameron's opposition to  
17 the consolidation must go before Judge Joyner because  
18 he is the judge we filed the motion in front of, but we  
19 were also required to docket it on all 37 cases since  
20 it affected all 37 cases.

21 Mr. Cameron opposes, as he should, a joint  
22 trial of this matter, because there is no reason to try  
23 them together. If there were, we would have charged  
24 them together.

25 THE COURT: They are not as he is charged, in

1 any event.

2 MS. TAYLOR: There is no reason to try any of  
3 them together, and we have not charged them together,  
4 nor have we moved to try them together. The motion to  
5 consolidate is simply for resolution, not for a joint  
6 trial, and we specifically say we are not seeking a  
7 joint trial.

8 So, I have said that to Mr. Cameron --

9 THE COURT: But when you say for resolution,  
10 what you really mean is if there are guilty pleas and  
11 sentencings?

12 MS. TAYLOR: Correct, or trials, but those  
13 trials would be before one judge, separate trials  
14 before one judge. No defendants rights to proceed  
15 would be affected by this.

16 They simply, quite frankly, would have the  
17 benefit of one judge dealing with a myriad of these  
18 cases and gaining the experience so that they can all  
19 be treated in the end similarly and fairly.

20 THE COURT: Yes, that is how your motion is  
21 filed.

22 MS. TAYLOR: So, we've gotten two  
23 oppositions, not just Mr. Cameron's, and we have had to  
24 reach out to those lawyers so that they understand what  
25 they are opposing is not what we are seeking.

1           As to Mr. Cameron's other motions, which is  
2 his motion for early Jencks, the government does not  
3 believe this is a matter for early Jencks, and  
4 certainly we don't believe in this kind of indictment  
5 Mr. Cameron is entitled to it, though we file a written  
6 response to that.

7           And, as to his motion for discovery, it's  
8 really simply requesting discovery, and it is my hope  
9 to get all discovery out in all 37 cases by the end of  
10 this week, as I will be in Harrisburg on trial for two  
11 weeks on another matter.

12           THE COURT: Yes, that is why we wanted to  
13 have the status hearing this week. Maybe even Judge  
14 Joyner will be able to deal with this this week --

15           MS. TAYLOR: Right.

16           THE COURT: -- so you will know what is going  
17 on. Well, Mr. Cameron, I tend to agree that the motion  
18 is made to Judge Joyner, he needs to hear your argument  
19 instead of me, but for the purposes of this hearing, I  
20 never mind hearing it again.

21           Would you like to tell me why you oppose  
22 the government's motion to consolidate for resolution,  
23 that is, pretrial and guilty plea resolution and  
24 sentencing?

25           MR. CAMERON: Well, for the record, that is

1 why we are here. I now know and have clarification  
2 from Ms. Taylor that -- well, my opposition was that I  
3 opposed if there was going to be a joint trial. But,  
4 since it is going to be separate and distinct trials,  
5 it is moot now.

6 I was concerned about my client being tried  
7 with the other 30 some number of defendants.

8 THE COURT: Believe you me, any judge would  
9 be concerned about that as well.

10 MR. CAMERON: So that is now moot, so long as  
11 it is just administratively and it is with one judge  
12 and it is separate and distinct trials, that was what  
13 my client's concern was.

14 So, I was just being overly -- well, we're  
15 now clarified.

16 THE COURT: Do you think it would be helpful  
17 to move that issue along if you clarified your  
18 position, because when you read your response it looks  
19 as if there is something that needs to be decided.

20 MR. CAMERON: Right.

21 THE COURT: If that is the understanding, if  
22 that is your understanding with the government, and the  
23 government has I think made that pretty clear --

24 MR. CAMERON: Yes.

25 THE COURT: -- because the order that they



1 have produced for the deciding judge's signature, says  
2 it's "for purposes of individual disposition and  
3 sentencing." It says nothing about trial being  
4 consolidated.

5 MR. CAMERON: That's at first glance, but  
6 then I now know that that is the position of the  
7 government. So, what I can do is just do a short,  
8 short, short motion to withdraw my motion.

9 THE COURT: Well, that is up to you.

10 MR. CAMERON: Yes.

11 THE COURT: I just think you need to clarify  
12 your --

13 MR. CAMERON: I will.

14 THE COURT: -- response.

15 MR. CAMERON: Yes.

16 THE COURT: And at the same time, let's see  
17 if we can do something productive here, that I can do  
18 something about while this case is still on my docket,  
19 and that is your motion for discovery and inspection.

20 When you ask first for the discovery, that  
21 doesn't require under our rules a motion. I'm  
22 wondering if your motion itself is premature given that  
23 the government is working on giving you discovery and  
24 inspection of all computers.

25 MR. CAMERON: Yes. Now I know that by

1 Friday, and Ms. Taylor and I, we have known each other  
2 in another case, on one big case. So, I know that as  
3 of Friday or early next week, I will have something  
4 coming to my office, or I can go down there and pick it  
5 up either on disk or on hard drive to inspect.

6 Because under the rules there are so many  
7 days to produce pretrial motions, so I want to be  
8 timely.

9 THE COURT: You have been timely.

10 MR. CAMERON: Okay.

11 THE COURT: What I am going to do, however,  
12 given this scenario is dismiss your motion as  
13 premature, but dismiss it without prejudice.

14 MR. CAMERON: Okay. Fine.

15 THE COURT: You may renew it any time  
16 thereupon.

17 MR. CAMERON: Fine.

18 THE COURT: The first motion for release of  
19 Brady materials and early disclosure of Jencks, I  
20 believe that is quite premature because if it's Brady,  
21 they are required to give it to you anyway, and you  
22 don't have a specific reason why you think Brady  
23 exists, and early disclosure of Jencks at this point in  
24 the process of these cases, it is more premature than  
25 most motions are.

1           So we are just going to do the same for all  
2 of them which doesn't take one right away from your  
3 client, and I want him to understand that, Mr. Bromley,  
4 that all of your rights will be exercised. Mr. Cameron  
5 is being particularly careful about making a record of  
6 all of your requests. These now will not be lost.

7           MR. CAMERON: Thank you, Your Honor.

8           THE COURT: Not with me if I am the judge and  
9 not with any other judge to whom this case may be  
10 reassigned.

11          THE DEFENDANT: Thank you.

12          THE COURT: And that way there is nothing  
13 left dangling and the judge isn't thinking that there  
14 is too many motions here, let's clean up the motions,  
15 they will be clean.

16          MR. CAMERON: All right. Thank you.

17          THE COURT: Okay.

18          THE DEFENDANT: Thank you.

19          THE COURT: Okay. Is there anything I can do  
20 to help the situation?

21          MR. CAMERON: No, that is clarified now, yes,  
22 Your Honor.

23          MS. TAYLOR: No, ma'am.

24          THE COURT: All right. Thank you. Mr.  
25 Bromley, there wasn't any requirement that you speak

1 today, so I didn't have you sworn in.

2 But, I will ask you since Mr. Cameron is  
3 court appointed to represent you, do you agree with the  
4 now new position that your attorney has espoused here,  
5 that you will not oppose the government's motion to  
6 consolidate for purposes of disposition and sentencing?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: All right. Thank you, sir. We  
9 have no further business with you good counsel, and Mr.  
10 Bromley.

11 MS. TAYLOR: Thank you, Your Honor.

12 MR. CAMERON: Thank you, Your Honor.

13 MR. CAMERON: That concludes my business, may  
14 I be excused?

15 THE COURT: Yes.

16 MR. CAMERON: Thank you.

17 MS. TAYLOR: Same, Your Honor, that concludes  
18 my business, may I be excused?

19 THE COURT: Yes, you may.

20 MS. TAYLOR: Thank you, Your Honor.

21 (Proceedings adjourned, 10:16 a.m.)

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CERTIFICATION

I, Donna M. Anders, do hereby certify that the foregoing is a true and correct transcript from the electronic sound recordings of the proceedings in the above-captioned matter.

11/18/11  
Date

Donna M. Anders  
Donna M. Anders